

**Allegation 3: Failure to Provide Adequate or Timely Police Protection**

**Issue:** Did certain officers fail to provide Complainant with adequate or timely police protection when, standing in close proximity to Complainant, they failed to intervene and stop Lieutenant Kroll from continuing to kick Complainant?

There was insufficient evidence to substantiate that any of the uniformed officers on the scene were aware that Lieutenant Kroll was about to kick or was kicking Complainant, or that they could have prevented the kicking. Therefore, the record would not appear to support a finding that the uniformed officers on the scene failed to provide adequate or timely police protection to Complainant.

**V. DETERMINATION OF PANEL**

The panel used the "preponderance of evidence" standard to conclude the determination in this case.

**Allegation # 1: Excessive Force**

After careful review, it is the decision of the hearing panel that it is more likely than unlikely that alleged incidents of excessive force did occur. The panel unanimously voted to **SUSTAIN** the allegation of misconduct against Officer #1 and Officer #2.

**Allegation # 2: Inappropriate Conduct**

After careful review, it is the decision of the hearing panel that it is more likely than unlikely that alleged incidents of inappropriate conduct did occur. The panel unanimously voted to **SUSTAIN** the allegation of misconduct against Officer #1 and Officer #2.

**Allegation # 3: Failure to Provide Adequate or Timely Police Protection**

After careful review, it is the decision of the hearing panel that it is more unlikely than likely that the alleged incidents of failure to provide adequate or timely police protection did not occur. The panel unanimously voted to **NOT SUSTAIN** each allegation of failure to provide adequate or timely police protection against Officer# 1 and Officer #2.

Respectfully Submitted,  
Panel Chair Benson  
And on behalf of fellow board members Oskey and Velez

